

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

DENMEL HOLDINGS, LLC, *et al.*, : Case No. 3:11-cv-414  
Plaintiffs, :  
vs. : Judge Timothy S. Black  
CHRISTMAS TREE SHOPS, INC., *et al.*, :  
Defendants. :

**ORDER**

This case is before the Court on Plaintiffs' Notice of Dismissal with Prejudice (Doc. 9) and the Court's previously filed Order directing Plaintiffs to prove service and move for an entry of default (Doc. 8). Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i), plaintiffs "may dismiss an action without a court order by filing . . . a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment[.]". Here, Defendants have neither answered nor moved for summary judgment, and therefore, this case is **DISMISSED WITH PREJUDICE**.

The Court's previous Order (Doc. 8) is **VACATED**. Further, the Clerk shall terminate this case on the Court's docket.

**IT IS SO ORDERED.**

Date: February 21, 2012

s/ Timothy S. Black

Timothy S. Black  
United States District Judge